

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

JEREMY HUNT,

Plaintiff,

v.

CIVIL ACTION NO. 1:19-00356

MS. M. CARVER, *et al.*,

Defendants.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation on November 7, 2019, in which he recommended that the court dismiss plaintiff's Complaint as to the following: (1) Claim of a denial of the right to participate in the BOP's administrative remedy process; (2) Claim of unconstitutional conditions of confinement in violation of the Eighth Amendment; (3) Claim of unconstitutional restriction on telephone privileges in violation of the Eighth Amendment; and refer this matter back to Magistrate Judge Aboulhosn for further proceedings on plaintiff's claims of (1) deliberate indifference regarding his medical and dental care, and (2) violation of the Accardi Doctrine and due process.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days and three mailing days in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any party to file such objections within the time allowed constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Objections to the Proposed Findings and Recommendation were due by November 25, 2019. Neither party filed any objections to the Magistrate Judge's Findings and Recommendation within the requisite time period.

Accordingly, the court adopts the Findings and Recommendation of Magistrate Judge Aboulhosn as follows:

1. Plaintiff's claims in his Complaint as to the following: (1) Claim of a denial of the right to participate in the BOP's administrative remedy process; (2) Claim of unconstitutional conditions of confinement in violation of the Eighth Amendment; and (3) Claim of unconstitutional restriction on telephone privileges in violation of the Eighth Amendment, are **DISMISSED**;
2. Plaintiff's claims in his Complaint as to (1) Claim of deliberate indifference regarding his medical and dental care; and (2) Claim of violation of the Accardi

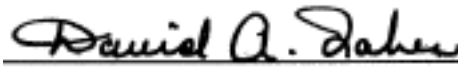
Doctrine and due process, are **REFERRED** back to

Magistrate Judge Aboulhosn for further proceedings.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and unrepresented parties.

**IT IS SO ORDERED** this 6th day of January, 2020.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge